

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

EZRA CHOWAIKI,

Defendant.

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PARTIAL VACATUR OF
AMENDED CONSENT
PRELIMINARY ORDER OF
FORFEITURE AS TO
SPECIFIC PROPERTY

18 Cr. 323 (JSR)

WHEREAS, on or about May 3, 2018, EZRA CHOWAIKI, (the “defendant”) was charged in a one-count Information, 18 Cr. 323 (the “Information”) with wire fraud, in violation of Title 18, United States Code, Section 1343 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) of any and all proceeds traceable to the commission of the offense charged in Count One of the Information, including all right, title and interest of the defendant in the following works of art:

- a. Alexander Calder - *Fourteen Black Leaves*¹,
- b. Giorgio de Chirico - *Ettore e Andromaca*;
- c. Marc Chagall - *Scène de Village*;
- d. Marc Chagall - *Bouquet de Giroflées*;
- e. Piet Mondrian - *Broekzijder Mill in the Evening*;
- f. Cindy Sherman - *Untitled 427*;
- g. Marie-Lourdes da Silva - *Tempête*;

¹ The Consent Preliminary Order of Forfeiture was vacated as to Alexander Calder - *Fourteen Black Leaves* on July 9, 2018 (D.E. 53).

- h. Fernand Léger - *Trois Soldats*;
- i. Pablo Picasso - *Le Guéridon*;
- j. Pablo Picasso - *Le Clown*;
- k. Yves Tanguy - *Je Te Retrouve Objet Trouvé*;
- l. Max Ernst - *Temptation of St. Anthony*;
- m. Roberto Matta - *Black Mirror*;
- n. Marc Chagall - *Bouquet au Verre*;
- o. Takashi Murakami - *Jellyfish Eyes*;
- p. Edgar Degas - *Danseuse en Rose*;
- q. Joan Miró - *Untitled*;
- r. Fernand Léger - *Portrait of Mrs. Chester Dale*;
- s. Fernand Léger - *Study for Sao Paolo I*;
- t. Fernand Léger - *Study for Sao Paolo II*;
- u. Larry Rivers - *Queen of Clubs*²;
- v. 31 drawings by Alexander Calder (the “Calder Drawings”);
- w. Tom Wesselmann – *Standing Nude*³;
- x. Alexander Calder – *Pink Faced Cat*;
- y. Alexander Calder – *The Pedestrians*; and
- z. Alexander Calder – *The Grind Lady*.

(collectively, the “Specific Property”);

² The Consent Preliminary Order of Forfeiture was vacated as to Larry Rivers - *Queen of Clubs* on July 9, 2018 (D.E. 53).

³ The Consent Preliminary Order of Forfeiture was vacated as to Tom Wesselmann – *Standing Nude* on September 17, 2018 (D.E. 72).

WHEREAS, on or about May 3, 2018, the defendant pled guilty to Count One of the Information, pursuant to an agreement with the Government, wherein the defendant admitted to the forfeiture allegation with respect to Count One and agreed to forfeit the Specific Property;

WHEREAS, on or about May 16, 2016, the Court entered an Amended Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the "Consent Preliminary Order of Forfeiture"), which, among other things, ordered the forfeiture of the defendant's right, title and interest in, among other things, the Specific Property and directed the United States to publish notice of the Preliminary Order of Forfeiture;

WHEREAS, the Government no longer seeks to forfeit the defendant's right, title, and interest in the Calder Drawings;

WHEREAS, the Government seeks to have the Consent Preliminary Order of Forfeiture vacated as to the Calder Drawings (the "Subject Property");

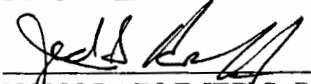
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The Consent Preliminary Order of Forfeiture is hereby vacated as to the Subject Property only and shall remain in full force and effect in all other respects, including with respect to the remainder of the Specific Property.

2. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney Alexander J. Wilson, Chief of the Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
November 12/2, 2018

SO ORDERED:


HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE